



Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc
2101 East Jefferson Street
Rockville, Maryland 20852

June 30, 2023

Andrew York
Executive Director
Prescription Drug Affordability Board
4160 Patterson Avenue
Baltimore, Maryland 21215

RE: Comments on COMAR 14.01.03.04

Dear Dr. York:

Kaiser Permanente appreciates the opportunity to provide comments on proposed regulations COMAR 14.01.03.04. Kaiser Permanente is the largest private integrated health care delivery system in the United States, delivering health care to over 12 million members in eight states and the District of Columbia.¹ Kaiser Permanente of the Mid-Atlantic States, which operates in Maryland, provides and coordinates complete health care services for approximately 825,000 members. In Maryland, we deliver care to over 475,000 members.

Kaiser Permanente requests two minor changes to clarify that the Board may request information only from a health plan operating in Maryland. These changes align with language elsewhere in the regulations, and we see them as technical. These amendments were not incorporated into the current draft, so we are sharing them again in case that was an oversight.

Thank you for the opportunity to comment. Please feel free to contact me at Allison.W.Taylor@kp.org or (202) 924-7496 with questions.

Sincerely,

A handwritten signature in cursive script that reads "Allison Taylor".

Allison Taylor
Director of Government Relations
Kaiser Permanente

¹ Kaiser Permanente comprises Kaiser Foundation Health Plan, Inc., the nation's largest not-for-profit health plan, and its health plan subsidiaries outside California and Hawaii; the not-for-profit Kaiser Foundation Hospitals, which operates 39 hospitals and over 650 other clinical facilities; and the Permanente Medical Groups, self-governed physician group practices that exclusively contract with Kaiser Foundation Health Plan and its health plan subsidiaries to meet the health needs of Kaiser Permanente's members.

Title 14 Independent Agencies
Subtitle .01 Prescription Drug Affordability Board
Chapter .03 Cost Review Process
.04 Request for Information for Cost Review

A. Request for Information

(2) To the extent there is no publicly available information to conduct an aspect of the statutory cost review, the Board may request information to conduct a cost review from the manufacturer, PBMs, and health ~~insurance carriers~~ **PLANS OPERATING IN THE STATE**, under Health General Article, §21-2C-09(a)(2), Annotated Code of Maryland, and this regulation.

(3) The Board may request information by:

- (a) Posting notice of the request on its website;
- (b) Sending email or postal mail to the entity; or
- (c) Any combination of these methods.

(4) The Board may also request data and information from wholesale distributors, HMOs, and MCOs.

B. For each prescription drug product under review, the Board may request the following information from:

(2) Health Insurance Carrier, HMO and MCO:

(a) The total amount of the price concession, discount, or rebate the manufacturer provides to each health plan operating in the State, expressed as a percent of the WAC;
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(b) The average price concession, discount, or rebate provided in the State for therapeutic alternatives;

(c) Formulary placement and benefit design around the prescription drug product, including copay and coinsurance amounts **FOR EACH HEALTH PLAN OPERATING IN THE STATE**; and

(d) Any additional factors the health insurance carrier, HMO or MCO proposes that the Board consider.